

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 397
94TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Public Health, February 22, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1779S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to applications for long-term care facilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 198.018, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 198.018, to read as follows:

198.018. 1. Applications for a license shall be made to the department by
2 the operator upon such forms and including such information and documents as
3 the department may reasonably require by rule or regulation for the purposes of
4 administering sections 198.003 to 198.186, section 198.200, and sections 208.030
5 and 208.159, RSMo.

6 2. The applicant shall submit [an affidavit under oath that] all
7 documents required by the department [to be filed pursuant to] **under** this
8 section [are true and correct to the best of his knowledge and belief] **attesting**
9 **by signature**, that the statements contained in the application are true and
10 correct to the best of [his] **the applicant's** knowledge and belief, and that all
11 required documents are either included with the application or are currently on
12 file with the department.

13 3. The application shall be accompanied by a license fee in an amount
14 established by the department. The fee established by the department shall not
15 exceed six hundred dollars, and shall be a graduated fee based on the licensed
16 capacity of the applicant and the duration of the license. A fee of not more than
17 fifty dollars shall be charged for any amendments to a license initiated by an
18 applicant. In addition, facilities certified to participate in the Medicaid or
19 Medicare programs shall pay a certification fee of up to one thousand dollars

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 annually, payable on or before October first of each year. The amount remitted
21 for the license fee, fee for amendments to a license, or certification fee shall be
22 deposited in the state treasury to the credit of the "Nursing Facility Quality of
23 Care Fund", which is hereby created. All investment earnings of the nursing
24 facility quality of care fund shall be credited to such fund. All moneys in the
25 nursing facility quality of care fund shall, upon appropriation, be used by the
26 division of aging for conducting inspections and surveys, and providing training
27 and technical assistance to facilities licensed under the provisions of this
28 chapter. The unexpended balance in the nursing facility quality of care fund at
29 the end of the biennium is exempt from the provisions of sections 33.080,
30 RSMo. The unexpended balance in the nursing facility quality of care fund shall
31 not revert to the general revenue fund, but shall accumulate in the nursing
32 facility quality of care fund from year to year.

33 4. Within ten working days of the effective date of any document that
34 replaces, succeeds, or amends any of the documents required by the department
35 to be filed pursuant to this section, an operator shall file with the department a
36 [certified] copy of such document. **The operator shall attest by signature**
37 **that the document is true and correct.** If the operator knowingly fails to file
38 a required document or provide any information amending any document within
39 the time provided for in this section, a circuit court may, upon application of the
40 department or the attorney general, assess a penalty of up to fifty dollars per
41 document for each day past the required date of filing.

42 5. If an operator fails to file documents or amendments to documents as
43 required pursuant to this section and such failure is part of a pattern or practice
44 of concealment, such failure shall be sufficient grounds for revocation of a license
45 or disapproval of an application for a license.

46 6. Any facility defined in subdivision (8), (15), (16) or (17) of section
47 198.006 that is licensed by the state of Missouri pursuant to the provisions of
48 section 198.015 may not be licensed, certified or registered by any other political
49 subdivision of the state of Missouri whether or not it has taxing power, provided,
50 however, that nothing in this subsection shall prohibit a county or city, otherwise
51 empowered under law, to inspect such facility for compliance with local
52 ordinances of food service or fire safety.

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